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April 18, 2019

District Judge Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: 2:19-cv-00569-JS-AKT
Brown v. Walmart Inc.

Dear District Judge Seybert:

This office represents the plaintiff in the above action and requests an extension of time to prove service to the Court. Individual Motion Practices of Honorable Joanna Seybert (“Individual Rules”), Section I(E)(1)-(2) (distinguishing requests for extension of time to file a responsive pleading with requests for adjournments or extensions in other matters).

In accordance with your Honor’s Rules, the original compliance date by which service is required to be proved is Tuesday, April 30, 2019. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends). No previous requests for adjournments or extensions of time have been sought, granted or denied. The adversary has not consented to this request.

The reason for the extension is because defendant has not signed and returned a waiver of service, sent on February 27, 2019. Plaintiff mailed “a copy of the complaint, 2 copies of the waiver form...and a prepaid means for returning the form” to The Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801, defendant’s registered agent in its state of formation. Fed. R. Civ. P. 4(d)(1) (reciting requirements to request a waiver).

On April 16, 2019, plaintiff arranged the “delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process” to the aforementioned registered agent. Fed. R. Civ. P. 4(h)(1)(B) (“Serving a Corporation, Partnership, or Association.”).

Plaintiff requests an extension of 30 days, until Monday May 20, 2019, to obtain and file an executed waiver so defendant may obtain additional time to move or answer in response to the complaint. Fed. R. Civ. P. 4(d)(4) (“Results of Filing a Waiver”). This will make it less necessary for defendant to hurriedly request an extension of time from the Court or plaintiff to move or answer and conserve judicial resources. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on April 18, 2019, I served the foregoing by electronically filing and/or mailing (first-class mail) same, to the persons or entities indicated below, at their last known address of record (blank where not applicable).

CM/ECF First-Class Mail

/s/ Spencer Sheehan
Spencer Sheehan